

Attorney Docket No.: **IFF-0017**
Inventors: **Boden and Stumpf**
Serial No.: **10/738,323**
Filing Date: **December 16, 2003**
Page 5

REMARKS

Claims 1-7 are pending in the instant application. Claims 1-7 have been rejected. Claim 1 has been amended and claim 2 has been canceled. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the following remarks.

I. Rejection of Claims Under 35 U.S.C. §103

Claims 1-7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wefler et al. It is suggested that Wefler et al. teach all the featured elements of the instant invention, except for the specific oil or fragrance present in the active gel in the claimed range of percent weight. The Examiner suggests that the device of Wefler et al. would be capable of performing Applicants' intended use and it would have been obvious to one of skill in the art to discover the optimum or workable ranges using routine skill in the art. Applicants respectfully disagree with this rejection.

At the outset, while Wefler et al. teach a dispensing device composed of a reservoir and a wick, nowhere do Applicants find reference to the use of an emanator for dispensing an active gel. Accordingly, Wefler et al. fail to teach or suggest the element set forth in claim 2. Furthermore, given the limited teachings of Wefler et al. regarding the nature of the gel disclosed at column 4 (lines 30-32), it would not have been obvious to employ an emanator for dispensing a gel because this reference does not teach or suggest whether the rate of evaporation of a gel is different from that of a liquid. In contrast, Applicants have appreciated that the

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Page 6

process of evaporation of thickened and solid gels, e.g., having a viscosity of greater than 1.5 cps (see page 5, lines 18-32), and an oil or fragrance present at about 90 to 99.8 percent by weight can be facilitated by use of an emanator. Accordingly, in an earnest effort to highlight this feature of the instant dispensing device, Applicants have amended claim 1 to indicate that the inventive dispensing device has an emanator. In light of this amendment, claim 2 has been canceled.

Because Wefler et al. fail to teach or suggest an emanator used in combination with an active gel comprising an oil or fragrance present in the active gel at about 90 to 99.8 percent by weight, this reference cannot be held to make obvious the present invention. Withdrawal of this rejection is therefore respectfully requested.

II. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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